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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

JESSICA SCHLESINGER,

Plaintiff,

v.

103RD MULTIPLEX LLC, CHRISTOPHER
BAIRD, ERIC MATSON,

Defendants.

Case No. 3:23-CV-00546-JR

**ANSWER AND AFFIRMATIVE
DEFENSES OF DEFENDANT ERIC
MATSON TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Defendant Eric Matson ("Matson" or "Defendant") by and through its undersigned counsel, hereby files this Answer to Plaintiff's First Amended Complaint ("FAC") as follows:

FACTUAL ALLEGATIONS

1. In response to paragraph 1 of the FAC, Defendant Matson lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

2. In response to paragraph 2 of the FAC, Defendant Matson denies the allegations.

3. In response to paragraph 3 of the FAC, Defendant Matson lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

4. Paragraph 4 of the FAC is a legal conclusion to which no response is required. To the extent a response is required, Defendant Matson denies that Plaintiff was his “tenant,” and lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

5. Paragraph 5 of the FAC is a legal conclusion to which no response is required. To the extent a response is required, Defendant Matson denies that he was at any point a “landlord,” and lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

6. Paragraph 6 of the FAC is a legal conclusion to which no response is required. To the extent a response is required, Defendant Matson admits that certain duties exist under applicable landlord-tenant law and that such laws speak for themselves.

7. Defendant Matson denies paragraphs 7-9 of the FAC.

8. In response to paragraph 10 of the FAC, Defendant Matson states that the Hearings Officer’s Order speaks for itself. Defendant Matson is without information as to the remainder of the allegations contained in paragraph 10 of the FAC and on that basis denies them.

9. In response to paragraph 11 of the FAC, Defendant Matson states that the Hearing Officer’s Order speaks for itself.

10. In response to paragraph 12 of the FAC, Defendant Matson lacks knowledge or information sufficient to form a belief as to the truth of the allegations.

11. Defendant Matson denies the allegations contained in paragraphs 13-14 of the FAC, including that Plaintiff is entitled to any relief under the cited statutes, or for any other reason.

12. Paragraph 15 of the FAC is a purported statement of the law, to which no response is required. Defendant Matson denies that Plaintiff is entitled to relief under the cited statute, or for any other reason.

13. In response to paragraph 16 of the FAC, Defendant Matson admits that he transferred his ownership interest of the real property located at 6402 SE 103rd Avenue to 103rd Multiplex LLC, which Defendant Matson understands to be a limited liability company organized under the laws of the state of Washington. Defendant Matson denies any other allegations contained in paragraph 16 of the FAC.

14. Defendant Matson admits the allegations contained in paragraph 17 of the FAC.

15. In response to paragraph 18 of the FAC, Defendant Matson denies that he controls 103rd Multiplex LLC, and admits that Defendant Baird controls 103rd Multiplex LLC.

16. In response to paragraphs 19 and 20 of the FAC, Defendant Matson states that the document referenced speaks for itself and to the extent a response is required, Defendant Matson relies on the response of the LLC in its Answer to the FAC.

17. Paragraph 21 is a legal conclusion, to which no response is required. To the extent a response is required, Defendant Matson relies on the response of the LLC in its Answer to the FAC.

18. In response to paragraph 22 of the FAC, Defendant Matson admits he did not register the LLC as a business with the Oregon Secretary of State Corporate Division, and denies he was obligated to do so. Defendant Matson is without information to form a belief as to the remainder of the allegations contained in paragraph 22 of the FAC, and on that basis denies them.

19. In response to paragraph 23-25, Defendant Matson lacks knowledge or information sufficient to form a belief as to the truth of the allegations and on that basis denies them. Defendant Matson further incorporates and relies on the response of the LLC in its Answer to the FAC.

20. Defendant Matson denies the allegations contained in paragraph 26 of the FAC.

21. Paragraph 27 is a jury demand to which no response is required. To the extent a response is required, Defendant Matson denies that any trial is warranted.

PRAYER FOR RELIEF

22. In response to paragraph 28 of the FAC, and the FAC in its entirety, Defendant Matson denies that Plaintiff is entitled to any relief, including but not limited to that which is requested in the Complaint.

DEFENSES

FIRST DEFENSE

(Failure to State a Claim)

23. Each of Plaintiff's claims should be dismissed for failure to state a claim upon which relief may be granted against Defendant Matson.

SECOND DEFENSE

(Statute of Limitations)

24. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

THIRD DEFENSE

(Estoppel)

25. Plaintiff is estopped from asserting some or all of the claims in her Complaint.

FOURTH DEFENSE

(Failure to Mitigate)

26. Without conceding that Plaintiff has suffered any damages as a result of any alleged wrongdoing by Defendants, Plaintiff has failed to mitigate her damages.

FIFTH DEFENSE

(No Damage)

27. Plaintiff did not incur any damage or harm due to any alleged acts or omissions by Defendant Matson. Any harm or damages allegedly incurred by Plaintiff is attributable to causes other than any alleged acts or omissions by Defendant Matson.

**SIXTH DEFENSE
(Reservation of Defenses)**

28. Defendant reserves the right to assert additional affirmative defenses as they become evident through discovery or investigation.

Based on the foregoing, Defendant Matson, by counsel, requests that the Court enter an Order dismissing Plaintiff's First Amended Complaint; awarding Defendant the costs and fees expended herein, including its reasonable attorneys' fees; and granting such further relief as the Court deems just and proper.

DATED this 1st day of May, 2023.

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